

**UNITED STATES DISTRICT COURT**  
for the  
**District of Nebraska**

United States of America

v.

Jose Carlos Montes-Agosta

)

) Case No: 8:11CR362

)

) USM No: 24472-047

Date of Original Judgment: 07/05/2012

)

Date of Previous Amended Judgment: \_\_\_\_\_

)

(Use Date of Last Amended Judgment if Any)

) Jeffrey L. Thomas

) Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 120 months is reduced to 108 months.

*(Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment dated 07/05/2012 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 8/14/2015



Judge's signature

Effective Date: 11/02/2015  
(if different from order date)

Joseph F. Batillon, Senior United States District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

Jose Carlos Montes-Agosta

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:11CR362

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 33

Amended Total Offense Level: 31

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 135 to 168 months

Amended Guideline Range: 108 to 135 months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

Sentenced reduced pursuant to joint stipulation of the parties, Filing No. 48. The defendant's sentence is reduced by 12 months.